

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 201905544	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/23/2019 10:30 AM	Location of Incident: § 87(2)(b) in Queens	Precinct: 113	18 Mo. SOL 12/23/2020	EO SOL 8/9/2021	
Date/Time CV Reported Tue, 06/25/2019 11:20 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/25/2019 11:20 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Coffey	18725	928093	113 PCT
2. POM Michael Mendola	15715	960935	113 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Rinaldo	11754	966802	113 PCT
2. POM Frank Gagnon	19242	958610	113 PCT
3. POM Scott Blackburn	10437	941432	113 PCT
4. LT David Goldstein	00000	932721	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean Coffey	Abuse: Police Officer Sean Coffey did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
B.POM Sean Coffey	Abuse: Police Officer Sean Coffey refused to provide his name to § 87(2)(b)	§ 87(2)(b)
C. An officer	Abuse: An officer refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D.POM Sean Coffey	Abuse: Police Officer Sean Coffey failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
E.POM Michael Mendola	Abuse: Police Officer Michael Mendola failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

## Case Summary

On June 25, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On June 23, 2019, at approximately 10:30 a.m., outside of § 87(2)(b) in Queens, Police Officer Sean Coffey and Police Officer Michael Mendola, both of the 113<sup>th</sup> Precinct, responded to § 87(2)(b)'s home twice. PO Coffey allegedly did not obtain medical treatment for § 87(2)(b) during the first time that he responded to her location (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) called the police again and a group of officers responded. PO Coffey responded to the scene for a second time; however, § 87(2)(b) was unsure if PO Coffey arrived with PO Mendola, or another officer. PO Coffey and the officer who responded with him allegedly refused to provide their names to § 87(2)(b) (**Allegation B: Abuse of Authority**, § 87(2)(g) **Allegation C: Abuse of Authority**, § 87(2)(g) PO Coffey and PO Mendola failed to provide § 87(2)(b) with their business cards (**Allegation D: Abuse of Authority**, § 87(2)(g) **Allegation E: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was neither arrested nor was he issued a summons as a result of this incident.

Body-Worn Camera footage was provided by the New York City Police Department for Police Officer Michael Coffey, Police officer Frank Gagnon, Police Officer Matthew Rinaldo, Police Officer Michael Mendola, Lieutenant David Goldstein, and Police Officer Scott Blackburn. The footage only captured a portion of the incident and will be discussed in further detail below.

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Police Officer Sean Coffey did not obtain medical treatment for § 87(2)(b)**

There is no video footage that captures this allegation.

§ 87(2)(b) (BR 01) stated that she had a physical dispute with her landlords and called 911 to report that she was attacked and needed medical assistance. PO Coffey and PO Mendola responded, in addition to other officers and an ambulance. § 87(2)(b) showed PO Coffey and PO Mendola her left arm and neck area, which was swollen and inflamed and told them that she was in pain and needed medical assistance. PO Coffey told § 87(2)(b) that she was not assaulted because she was not bleeding and that there were no black or blue bruising marks on her body. A uniformed EMT approached PO Coffey and PO Mendola. The EMT asked the officers if § 87(2)(b) needed attention. PO Coffey told the EMT that nothing was wrong with § 87(2)(b) (BR 02)—§ 87(2)(b) § 87(2)(b)—stated that § 87(2)(b) told PO Coffey that she wanted to go to the hospital, but he responded saying that he did not see any bruises on her.

§ 87(2)(b) (BR 03)—§ 87(2)(b) § 87(2)(b)—stated that he heard an officer tell § 87(2)(b) who stood outside on the far-left side of the home, that she was not injured.

Emergency Medical Technician (EMT) § 87(2)(b) and EMT § 87(2)(b) were identified by the New York City Fire Department as the EMTs who responded to this incident. Both EMT § 87(2)(b) (BR 10) and EMT § 87(2)(b) (BR 11) did not recall any details about this incident. Both EMTs were presented with details of the Event Summary for Event Number § 87(2)(b) (BR 12), which stated that the Emergency Medical Services (EMS) Complaint was marked as closed due to an “APU PD matter only.” EMT § 87(2)(b) (BR 10) explained that although he did not recall the incident, he did know of the terminology, which simply meant that medical assistance was not needed, and that the complaint was likely a dispute. EMT § 87(2)(b) (BR 11) explained that when an EMS complaint is closed with the above-mentioned reasoning, it means that the civilian refused medical attention. While both EMT § 87(2)(b) and EMT § 87(2)(b) did not recall any details about this incident, they both did clarify that a police officer cannot refuse medical attention for a civilian—only the person who was requesting medical attention can do so.

PO Coffey (BR 04) testified that when he and PO Mendola arrived at § 87(2)(b)'s home,

no ambulance had arrived. PO Coffey spoke with § 87(2)(b)'s landlord first, who stated that he and § 87(2)(b) found themselves in a "pushing match" and did not mention any further physical altercation. When § 87(2)(b) came up to PO Coffey, she stated that she her landlord had punched her and assaulted her. § 87(2)(b) stated that she was punched on her arm. Although § 87(2)(b) stated that she did felt pain, PO Coffey did not see any visible injuries on § 87(2)(b) as she was wearing a tank top. At no point during either incident did § 87(2)(b) request nor was she offered medical attention.

PO Mendola (BR 05) did not recall himself or any other officer denying medical attention to § 87(2)(b). Additionally, EMS did not respond to the location.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Sean Coffey refused to provide his name to**

§ 87(2)(b)

**Allegation (C) Abuse of Authority: An officer refused to provide his name to**

§ 87(2)(b)

There is no video footage of this portion of the incident.

§ 87(2)(b) (BR 01) stated that after the officers left the first time, her landlord's sisters tried to fight § 87(2)(b) at which point she called 911 once more. PO Coffey and a group of officers responded. § 87(2)(b) was unsure if PO Coffey responded with PO Mendola or another officer she could not describe. PO Coffey did not remove the three sisters from the premises and later, they tried to attack her again. § 87(2)(b) asked for PO Coffey's name, and in response, PO Coffey asked for § 87(2)(b)'s driver's license. § 87(2)(b) handed PO Coffey her driver's license and PO Coffey walked away with it. When PO Coffey returned § 87(2)(b)'s driver's license to her, he asked for her date of birth. § 87(2)(b) provided it and then asked both PO Coffey and the officer who responded with him for their names. PO Coffey and the officer who responded with him stated that they would provide § 87(2)(b) with that information but left before providing it.

PO Coffey (BR 04) testified that at no point during both times he responded, did § 87(2)(b) ask for his or any other officer's name.

PO Mendola (BR 05) did not recall himself or any other officer refuse to provide his name to § 87(2)(b).

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Police Officer Sean Coffey failed to provide**

§ 87(2)(b)

**with his business card.**

**Allegation (E) Abuse of Authority: Police Officer Michael Mendola failed to provide**

§ 87(2)(b)

**with his business card.**

IA 53 (BR 07) of the digital case file is Lt. David Goldstein's BWC video footage, which captures the second time police responded to the incident location. The video has a timestamp on the screen, and it is accurate. Between the 04:23 and the 04:30 mark, § 87(2)(b) asked for a card, but it is unclear who she asked as she was speaking to Lt. Goldstein and PO Coffey interchangeably. Lt. Goldstein asked the officers on scene if they had a card to give to § 87(2)(b) and PO Coffey, who appeared to stand a few feet away from Lt. Goldstein and had his body

positioned facing § 87(2)(b) responded at the 04:28 mark while looking at § 87(2)(b) “I have a card;” Immediately following PO Coffey’s statement, at the 04:29 mark, Lt. Goldstein then told § 87(2)(b) “they’ll give you a card.” PO Coffey did not provide a business card to § 87(2)(b). Instead, he walked away with Lt. Goldstein to discuss what was going to happen with both parties involved in the incident.

§ 87(2)(b) (BR 01) stated that during the first time that the officers arrived, and PO Coffey told an unidentified EMT that § 87(2)(b) was fine, § 87(2)(b) asked for both PO Coffey and PO Mendola’s business cards because she was overwhelmed and could not remember their names. § 87(2)(b) could not recall if PO Coffey or PO Mendola told her that he had a card, but she did recall both officers stated that they would get § 87(2)(b) a card, which § 87(2)(b) never received. When PO Coffey and a group of officers responded for a second time, PO Coffey took § 87(2)(b)’s driver’s license. When he returned it, in addition to asking for PO Coffey’s name, as well as that of an unidentified officer, she also asked for their business cards. The officers left before providing it.

PO Coffey (BR 04) testified that at no point during either time he responded, did § 87(2)(b) ask for PO Coffey’s business card or any other officer’s card. During PO Coffey’s interview, the investigation presented the video located in IA 53 and played the relevant time stamps. As mentioned above, after § 87(2)(b) made a request for a card, Lt. Goldstein asked the officers on scene if they had a card to provide § 87(2)(b). PO Coffey responded, “I have a card,” while facing § 87(2)(b). PO Coffey stated in his interview that while in the video § 87(2)(b) asked for a business card, he did not independently recall her doing so, nor did he recall the conversation that was on the presented video. Additionally, he clarified in the interview that it was likely he did not have any business cards at the time to give § 87(2)(b). PO Coffey stated that § 87(2)(b) did not ask for any officer’s business card. After reviewing video footage, PO Coffey did not make any amendments regarding his statement.

PO Mendola (BR 05) did not recall § 87(2)(b) asking him or any other officer for a business card and did not recall responding to the same location for a second time. Further, PO Mendola was unsure if officers had been issued business cards at the time.

Officers should carry Right to Know Act business cards and should provide them to anyone who requests it. New York City Administrative Code § 14-174 (BR 06).

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has no prior CCRB complaints (BR 08).
- PO Coffey has been a member of service for 19 years and has been a subject in two other CCRB complaints, none of which have been substantiated.
- PO Mendola has been a member of service for four years and has been a subject in two other CCRB complaints for three other allegations, none of which have been substantiated.
  - Of the total six allegations against PO Mendola, including the allegations from this case, PO Mendola has two allegations regarding failure to provide name § 87(2)(g), § 87(4-b).

